

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO:1269 OF 2005

Dated: 28-07-2005

Between:

The Regional Manager, APSRTC,
Rajahmundry Region, East Godavari District
And another

...Appellants

and

K.Satyanarayana, S/o Suranna, age 50 Yrs.,
R/oKotipalli village &Post, K.Gagavaram Mandal,
East Godavari District.

...Respondent

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO:1269 OF 2005

JUDGMENT (Per the Honourable Smt.Justice T.Meena Kumari)

This writ appeal is preferred by the A.P.S. R.T.C., against the order of the learned single Judge passed in W.P.No:10555 of 2005 on 29TH April, 2005, by which the writ petition was disposed of with the observations as mentioned

therein.

Questioning the proceedings of the 2nd appellant, dated 25.5.1999, the respondent has preferred the writ petition in W.P.No:10555 of 2005. The learned single Judge having observed that the major punishment of deferment of annual increments for a period of two years with cumulative effect imposed by the 2nd respondent can be reduced with slight modification, modified the same as without cumulative effective. Having aggrieved by the same, the present writ appeal is preferred by the Corporation.

Heard the learned counsel on either side.

It is contended by the learned Standing Counsel that against the order dated 25.5.1999, the only remedy that is available to the respondent is to approach the Labour Court under the provisions of the Industrial Disputes Act. It is further submitted that for the show cause notice issued on 15.4.1996, no explanation has been submitted by the respondent and therefore, the order impugned in the writ petition has been passed. Apart from that, the impugned order has been passed in the year 1999 whereas the writ petition is preferred in the year 2005 and therefore, there are no bonafides on the part of the respondent in approaching the Court.

We have perused the material available on record and the order impugned in the writ petition as well as in this appeal.

The order of the 2nd appellant has been passed in the year 1999. But, the respondent has approached this Court in the year 2005 by way of filing the writ petition. It is also apparent on the record that for the show cause notice issued by the authorities, the respondent has failed to submit his explanation. These aspects might not have been brought to the notice of the Court at the time of disposal of the writ petition. In this background of the matter, We have no hesitation to hold that there are no bonafides on the part of the respondent in approaching the Court after a lapse of six years challenging the order of the 2nd appellant without submitting any explanation for the show cause notice.

For the above reasons, We see merits in the appeal and thereby, the order of the learned single Judge, is liable to be set aside.

Accordingly, this writ appeal is allowed. No costs.

(T.MEENA KUMARI, J)

28th JULY, 2005

(P.LAKSHMANA REDDY, J)

GURC/RKK

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY.

WRIT APPEAL NO:1269 OF 2005

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

DATED 28th JULY, 2005.